

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AJINOMOTO HEARTLAND LLC,)
Plaintiff,)
v.)
GLOBAL BIO-CHEM TECHNOLOGY GROUP)
COMPANY, LIMITED, CHANGCHUN)
DACHENG BIO-CHEM ENGINEERING)
DEVELOPMENT COMPANY, LIMITED,)
CHANGCHUN BAOCHENG BIO-CHEM)
DEVELOPMENT COMPANY, LIMITED,)
CHANGCHUN DAHE BIO TECHNOLOGY)
DEVELOPMENT COMPANY, LIMITED and BIO-)
CHEM TECHNOLOGY (HK) LIMITED,)
Defendants.)
C.A. No. 06-268 (JJF)

DEFENDANTS' UNOPPOSED MOTION FOR A STAY

Pursuant to 28 U.S.C. § 1659, Defendants Global Bio-Chem Technology Group Company, Limited, Changchun Dacheng Bio-Chem Engineering Development Company, Limited, Changchun Baocheng Bio-Chem Development Company, Limited, Changchun Dahe Bio Technology Development Company, Limited and Bio-Chem Technology (HK) Limited hereby move for an Order, in the form attached hereto, staying this action until the determination of the United States International Trade Commission (“ITC”) in *In the Matter of Certain L-Lysine Feed Products, Their Methods of Production and Genetic Constructs for Production*, ITC Investigation No. 337-TA-571, becomes final. The grounds for this motion are:

Plaintiff Ajinomoto Heartland LLC and all the named Defendants are also parties to the ITC proceeding named above, brought under Section 337 of the Tariff Act of 1930. The ITC proceeding involves the same patent and the same issues as this action.

Pursuant to 28 U.S.C. § 1659(a), a district court must stay any claim of a civil action that involves the same issues as those involved in a proceeding before the ITC under § 337 of the Tariff Act of 1930, when the civil action involves parties that are also parties to the ITC proceeding, and when a respondent in the ITC action requests a stay within thirty days of being named as a respondent. The district court proceedings must be stayed until the determination of the ITC becomes final.

Here, all of the parties are also parties to the ITC proceeding. The ITC action was instituted on May 24, 2006. This motion is being filed within thirty days of the institution of the ITC proceeding.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Jack B. Blumenfeld

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June 8, 2006
523582

RULE 7.1.1 CERTIFICATE

I hereby certify that I have discussed the subject of the foregoing motion with counsel for the plaintiff and have been advised that the plaintiff does not oppose this motion.

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)

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DACHENG BIO-CYHEM ENGINEERING)
DEVELOPMENT COMPANY, LIMITED,)
CHANGCHUN BAOCHENG BIO-CHEM)
DEVELOPMENT COMPANY, LIMITED,)
CHANGCHUN DAHE BIO TECHNOLOGY)
DEVELOPMENT COMPANY, LIMITED and BIO-)
CHEM TECHNOLOGY (HK) LIMITED,)
Defendants.)
C.A. No. 06-268 (JJF)

ORDER

IT IS HEREBY ORDERED, pursuant to 28 U.S.C. § 1659, that this action is stayed until the final determination of the United States International Trade Commission in *In the Matter of Certain L-Lysine Feed Products, Their Methods of Production and Genetic Constructs for Production*, ITC Investigation No. 337-TA-571.

District Judge

CERTIFICATE OF SERVICE

I, Jack B. Blumenfeld, hereby certify that on June 8, 2006 I electronically filed Defendants' Unopposed Motion for a Stay with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Richard L. Horwitz
Potter Anderson & Corroon

I also certify that copies were caused to be served on June 8, 2006 upon the following in the manner indicated:

BY HAND

Richard L. Horwitz
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/s/ Jack B. Blumenfeld

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